

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** David Quigley, Planning & Zoning Manager/(954) 797-1075

**PREPARED BY:** Lise Bazinet, Planner II

**SUBJECT:** Variance

**AFFECTED DISTRICT:** District 1

**ITEM REQUEST:** **Schedule for Council Meeting**

**TITLE OF AGENDA ITEM:** V 1-2-10, U-Pull-It, 4000 SW 47<sup>th</sup> Avenue (M-3)  
Planing & Zoning Board recommended approval

**REPORT IN BRIEF:** The petition is to provide a 55 foot building height were a maximum of 35 feet is allowed by the Land Development Code, Section 12-54, nonresidential performance standards for M-3, Planned Industrial Park Zoning District.

The petitioner has stated in his justification letter that the variance request will allow a conveyor mechanism for recycling purposes, including a crane for moving inventory and servicing equipment. Section 12-34(HH)(2),(Detail Use Regulations for Recycling, Scrap Metal and Automobile Wrecking Yards) requires recycling activities to have visual screening at the sides and to be covered by a roof. In 2009 a variance was approved for a 50 foot tall building on the same property. The request is to add 5 additional feet due to a miscalculation of the conveyor height.

**PREVIOUS ACTIONS:** N/A

**CONCURRENCES:** At the March 10, 2010 Planning & Zoning Board meeting, Mr. Jacob made a motion, seconded by Mr. DeArmas, to approve. In a roll call vote, the vote was as follows: Chair Turin – yes; Vice-Chair Busey – yes; Mr. DeArmas – yes; Mr. Farkas – yes; Mr. Jacob – yes. **(Motion carried 5-0)**

At the February 8, 2010 CRA Board meeting, this item was unanimously approved.

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

**RECOMMENDATION(S):** Other - Staff finds the application complete and suitable for transmittal to the Town Council for further consideration.

**Attachment(s):** Planning Report, Exhibits

**Application:** V 1-2-10/10-60/U-Pull-It  
**Original Report Date:** 2/23/10  
03/11/10

**Revision:**

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**TOWN OF DAVIE**  
**Planning & Zoning Division**  
*Staff Report and Recommendation*

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**Applicant Information**

**Owner**

**Name:** Lawrence Danielle  
**Address:** 4000 SW 47<sup>th</sup> Avenue  
**City:** Davie, Florida 33314  
**Phone:** (954) 295-0042

**Petitioner**

**Name:** Pillar Consultants, Inc.  
**Address:** 5230 S. University Drive-Suite 104  
**City:** Davie, Florida 33328  
**Phone:** (954) 680-6533

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**Background Information**

**Date of Notification:** March 3, 2010 **N u m b e r o f**  
**Notifications:** 264

**Petitioner's Request:** To provide a 55 foot building height where a maximum of 35 feet is allowed by the Land Development Code, Section 12-54, nonresidential performance standards for M-3, Planned Industrial Park Zoning District.

**Address:** 4000 SW 47<sup>th</sup> Avenue

**Location:** Generally located South of Oaks Road, west of 441/SR7.

**Future Land Use Plan Map:** TOC, Transit Oriented Corridor

**Existing Zoning:** M-3, Planned Industrial Park District

**Existing Use:** Automobile wrecking yard

**Parcel Size:** 4.96 Acres (215,903 Square Feet)

**Surrounding Use(s):**

**Surrounding Land**  
**Use Plan Map**  
**Designation(s):**

<b>North:</b>	Automobile wrecking yard, Warehouses	TOC,	Transit
Oriented Corridor			
<b>South:</b>	Automobile wrecking yard	TOC,	Transit
Oriented Corridor			
<b>East:</b>	Automobile wrecking yard	TOC,	Transit
Oriented Corridor			
<b>West:</b>	Warehouses	TOC,	Transit
Oriented Corridor			

	<b><u>Surrounding Zoning(s):</u></b>
<b>North:</b>	M-4 (County) Limited Heavy Industrial District, M-3, Planned Industrial Park District
<b>South:</b>	M-3 (Hacienda Village) General Industrial District, M-4 (Hacienda Village) Limited Heavy Industrial District, M-3, Planned Industrial Park District
<b>East:</b>	M-3 (County), M-1 (County), M-2 (Hacienda Village), B-3 (County)
<b>West:</b>	M-4 (Hacienda Village) Limited Heavy Industrial District, M-3, Planned Industrial Park District

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## **Zoning History**

### **Related zoning history:**

Records indicate that the existing Zoning and Future Land Use Plan Map designation were in place at the time of annexation.

### **Previous application requests:**

*Variance Application (V 6-1-09)*, At the August 19, 2009 Town Council meeting a variance to allow a maximum height from 35 to 50 feet was approved.

*Site Plan Modification (SPM 6-4-09)*, At the August 19, 2009 Town Council meeting a site plan modification to revised elevations with requested new height of 50 feet was approved.

*Site Plan Application (SPM 6-1-08)*, At the January 7, 2009 Town Council meeting a site plan modification approval for a roofed working area and parking was approved.

*Plat Application (P 6-1-08)*, At the January 7, 2009 Town Council meeting the plat known as “Danielle Plat” was approved.

*Rezoning Application (ZB 8-4-05)*, At the January 21, 2009 Town Council meeting, this application to rezone the approximately 32 acre subject site from M-4 (Hacienda Village) Limited Heavy Industrial District, M-3 (Hacienda Village) General Industrial District, and M-4 (County) Limited Heavy Industrial District to M-3, Planned Industrial Park District was approved.

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## **Applicable Codes and Ordinances**

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

*Land Development Code (Section 12-305), Rezoning, Special Permits, Variances, and Vacations or Abandonment of Rights-of-Way.* The purpose of this division is to guide the processing and granting of rezoning, special permits, variances and vacations or abandonment of rights-of-way in a manner consistent with the Town of Davie Comprehensive Plan, existing development and in a manner which protects the public health, safety and welfare.

*Land Development Code (Section 12-24 (J) (13)), Planned Industrial Park (M-3) District. The M-3 District is intended to implement the industrial classification of the Town of Davie Comprehensive Plan by providing for planned industrial parks which can accommodate light, medium or selected heavier industrial uses in an open, uncrowned and attractive manner through limitations on setbacks and coverage, and for other permitted uses. M-3 Districts are not intended for locations abutting residential property.*

*Land Development Code (Section 12-83), Conventional Nonresidential Development Standards, M-3 District, requires the following: lot area of 43,560 square feet, 150 feet frontage, 20% minimum open space (ratio), and 35' maximum building height.*

*Land Development Code (Section 12-34(HH)), Recycling, Scrap Metal Processing and Automobile wrecking yards.*

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### **Comprehensive Plan Considerations**

#### **Planning Area:**

The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to parcels on Nova Drive.

#### **Broward County Land Use Plan:**

The subject site falls within Flexibility Zones 97 and 98

#### **Applicable Goals, Objectives & Policies:**

*Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.*

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### **Staff Analysis**

The following information is staff's analysis (*italic font*) based on the criteria established in the Town of Davie's, Land Development Code, Section 12-309(B)(1) for variance applications:

- a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property.

*The petitioner stated in his justification letter that the variance request will allow a conveyor mechanism for recycling purposes, a crane for moving inventory, and servicing equipment to comply with Section 12-34(HH)(2), (Detail Use Regulations for Recycling, Scrap Metal and Automobile Wrecking Yards) which requires to screen recycling activities from view. In 2009 a variance was approved for a 50 feet tall building on the same property. The request is to add 5 additional feet due to a miscalculation of the conveyor height.*

- b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose;

*The granting of the variance is not necessary for the reasonable use of the land or building. However, based on the petitioner's justification letter, the variance is the minimum necessary to accommodate the machinery within the proposed building.*

- c) That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

*The intent of the Land Development Code is to provide a maximum allowable height for indoor activities in the M-3, Heavy Industrial District. However, in this district, machinery higher than 35 feet is not required to be indoors, except for scrap metal and recycling uses. The request will allow the machinery associated with scrap metal and recycling to be enclosed as required in Section 12-34(HH)(2).*

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### **Staff Recommendation**

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

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### **Planning and Zoning Board Recommendation**

At the March 10, 2010 Planning & Zoning Board meeting, Mr. Jacob made a motion, seconded by Mr. DeArmas, to approve. In a roll call vote, the vote was as follows: Chair Turin – yes; Vice-Chair Busey – yes; Mr. DeArmas – yes; Mr. Farkas – yes; Mr. Jacob – yes. **(Motion carried 5-0)**

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### **Community Redevelopment Agency (CRA) Board Recommendation**

At the February 8, 2010 CRA Board meeting, this item was unanimously approved.

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### **Town Council Action**

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## **Exhibits**

1. Justification Letter
  2. Mail-out Map
  3. Mail-out
  4. Future Land Use Plan Map
  5. Aerial, Zoning, and Subject Site Map
- 

Prepared by: \_\_\_\_\_

\_\_\_\_\_

Reviewed by:

*File Location: P&Z\Development Applications\Applications\V\_Variance\V\_08\V 1-2-10, U-Pull-It*



# PILLAR

CONSULTANTS  
INC.

JUSTIFICATION STATEMENT  
IN SUPPORT OF A REQUEST  
FOR VARIANCE  
from ULDC Sec. 12-54  
January 28, 2010

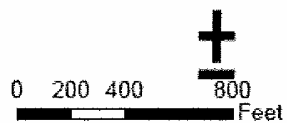
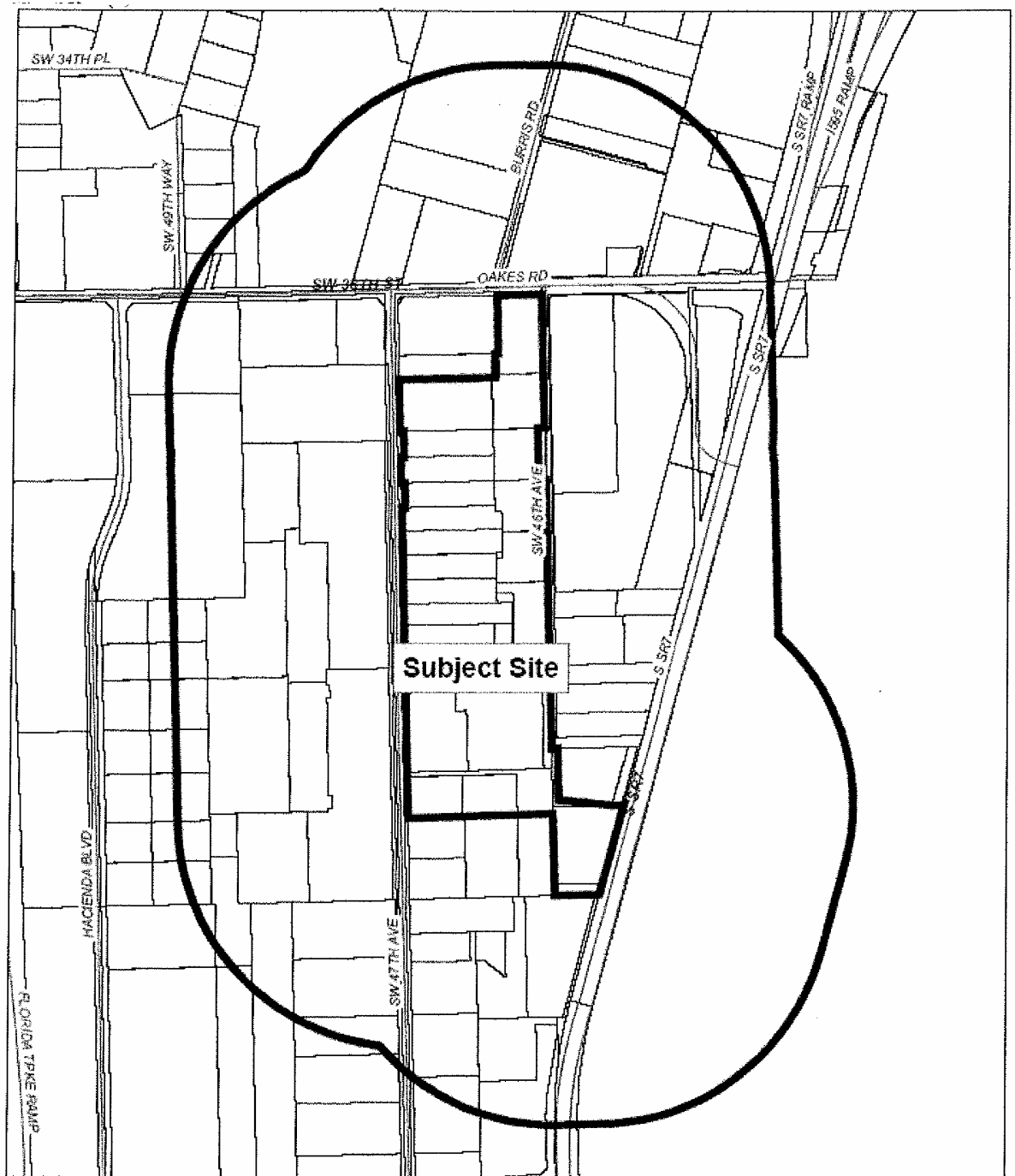
The subject property consists of land containing approximately 4.97 Acres with future industrial land use (zoned M-3). It is located in Section 25, Township 50 South, Range 41 East and lies in the Town of Davie, Broward County, Florida.

Larry Danielle is the record owner of the subject property.

ULDC Sec. 12-54 states that there is a 35' maximum allowable height for commercial buildings. A previous variance was granted to allow for the proposed building to be allotted a maximum height of 50' in order to contain a conveyor mechanism for recycling purposes and a crane for moving inventory and servicing equipment. A miscalculation was made in the initial height determination required and we are now requesting an additional 5' in height for the proposed building (total of 55').

Consulting Engineers • Planners • Surveyors

5230 SOUTH UNIVERSITY DRIVE, SUITE 104 • DAVIE, FLORIDA 33328 • OFFICE 954-680-6533 • FAX 954-680-0323



Prepared by the Town of Davie GIS Division

Prepared by: ID  
Date Prepared: 7/23/08

1000 Foot Buffer

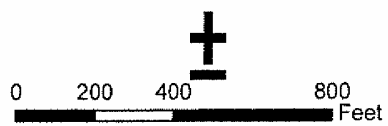
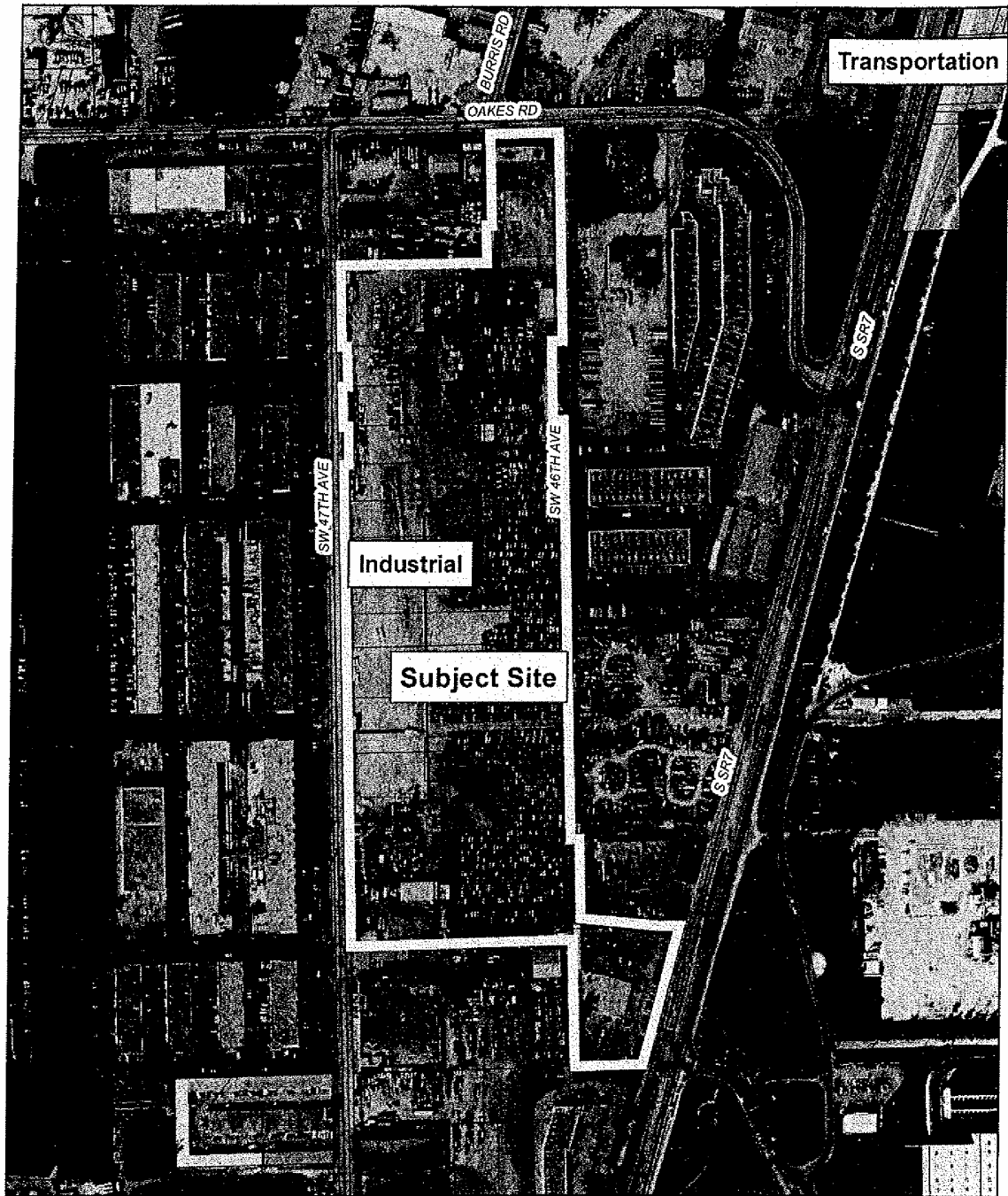
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# 4126 INC	4343 S STATE ROAD	DAVIE	FL	33314-4007
200 HARVARD COR	810 NE 20 AVE	FORT LAUDERDALE	FL	33304
4141 HOLDINGS LLC	15751 SW 41 ST	DAVIE	FL	33331
95 WHSE INC	3001 W HALLNDALE	PEMBROKE PARK	FL	33009
ANDRX PHARMACE	8151 PETERS ROAD	DAVIE	FL	33324
AP-ADLER OAKES L	1400 NW 107 AVE	MIAMI	FL	33172
BENNETT,DAVID &	3300 N 29 AVE #101	HOLLYWOOD	FL	33020
CASTLEWOOD HOL	633 S FEDERAL HW	FORT LAUDERDALE	FL	33301
CASTLEWOOD HOL	4000 SW 47 AVE	DAVIE	FL	33314
CELESTINE,RICHAF	3941 SW 47 AVE	DAVIE	FL	33314
DANIELLE,LAWREN	4000 SW 47 AVE	DAVIE	FL	33314
DANIELLE,LAWREN	3940 SW 47 AVE	DAVIE	FL	33314-2807
DANIELLE,LAWREN	4500 LAKES ROAD	DAVIE	FL	33314
DANIELLE,LAWREN	424 HENDRICKS #1	FORT LAUDERDALE	FL	33321
DANIELLE,MARIA TI	6674 NW 113 WAY	PARKLAND	FL	33076
DAVIE CONCRETE	3500 SW 49 WAY	DAVIE	FL	33314-2122
DAVIE CONCRETE	3570 SW 49 WAY	DAVIE	FL	33314-2122
DFL-ER LLC	PO BOX 22865	SANTA FE	NM	87502
DIXIE SOUTHLAND	810 NE 20 AVE	FORT LAUDERDALE	FL	33304
EIGHTY FOUR LUMI	1019 ROUTE 519	EIGHTY FOUR	PA	15330-2813
EQUIPMENT BUYER	2101 SW 56 TER	HOLLYWOOD	FL	33023-3011
ESS PRISA II LLC	PO BOX 320099	ALEXANDRIA	VA	22320
F GROUP INC	1023 SOUTH 50 ST	TAMPA	FL	33619
FASO,JOSEPH	4000 SW 47 AVE	DAVIE	FL	33314
FLA POWER & LIGH	PO BOX 14000	JUNO BEACH	FL	33408-0420
FLORIDA DEPT OF	3400 W COMMERCIAL	FORT LAUDERDALE	FL	33309-3421
FT LAUDERDALE TF	4701 OAKES ROAD	DAVIE	FL	33314-2232
GRIFFIN COMMERC	3300 N 29 AVE	HOLLYWOOD	FL	33020
HARDY,JACK A & C	4401 SW 102ND AVE	DAVIE	FL	33328-2212
HOWAR,ABRAHAM	4201 S STATE ROAD	DAVIE	FL	33314
INTEGRATED RESC	3701 SW 47 AVE ST	DAVIE	FL	33314-2830
JML 47 LLC	4343 S STATE ROAD	DAVIE	FL	33314
JONES,GEORGE TF	3232 COVE ROAD	JUPITER	FL	3469
KELM PROPERTIES	4505 SW 36 ST	DAVIE	FL	33314
MALT,ROBERT C	3501 SW 46 AVE	DAVIE	FL	33314
MANCHAC,CHARLE	3318 COOLIDGE ST	HOLLYWOOD	FL	33021
MCKENZIE TANK LI	PO BOX 1200	TALLAHASSEE	FL	32302-1200
MINIWAREHOUSES	12345 SW 117 CT	MIAMI	FL	33186-3934
MMS COMPANY LLC	4061 SW 47 AVE	DAVIE	FL	33314
NEW TOWN HOLDIN	3001 W HALLNDALE	PEMBROKE PARK	FL	33009
O A ASSOCIATES I	2101 SOUTH CONGIE	DELRAY BEACH	FL	33445-7311
ORANGEMEN HOLC	3921 SW 47 AVE #11	DAVIE	FL	33314
PEJE INC	4041 SW 47 AVE	DAVIE	FL	33314-4023
REALTY PRO INC	180 MESHANTICUT	CRANSTON	RI	02920-3917
RYDER TRUCK REN	PO BOX 025719	MIAMI	FL	33102-5719
S & D RENTAL COR	4343 S STATE ROAD	DAVIE	FL	33314-4009
S W RED SMITH INC	4145 SW 47 AVE	DAVIE	FL	33314-4006
SAM JACK INC	3001 W HALLNDALE	PEMBROKE PARK	FL	33009
SLOP INVESTMEN	10690 SW 23 ST	DAVIE	FL	33324
STAMILE BROS TRI	3940 SW 47 AVE	DAVIE	FL	33314-2807
SUPERMARKET SEI	4100 SW 47 AVE	DAVIE	FL	33314-4007
TOWN OF DAVIE	6591 ORANGE DR	DAVIE	FL	33314-3348
TRAFICANT,CHARL	5818 E FOX HOLLOW	BOCA RATON	FL	33486
TRI-COUNTY DEV C	4491 S STATE ROAD	DAVIE	FL	33314-4035
TWIN LAKES LAND	PO BOX 292037	DAVIE	FL	33329-2037
UNITED DAVIE LLC	987 HILLSBORO MIL	HILLSBORO BEACH	FL	33062
WALSH PROPERTIE	1670 W MC NAB RD	FORT LAUDERDALE	FL	33309-1001
WP REAL ESTATE II	4717 ORANGE DR	DAVIE	FL	33314

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Current Occupant	3901	SW	47 Ave	06	4	Davie	FL	33314
Current Occupant	3901	SW	47 Ave	07	4	Davie	FL	33314
Current Occupant	4451		Stat Rd			Davie	FL	33314
Current Occupant	4343		Stat Rd			Davie	FL	33314
Current Occupant	4491		Stat Rd	102		Davie	FL	33314
Current Occupant	4491		Stat Rd	106		Davie	FL	33314
Current Occupant	4491		Stat Rd	200		Davie	FL	33314
Current Occupant	4491		Stat Rd	202		Davie	FL	33314
Current Occupant	4491		Stat Rd	204		Davie	FL	33314
Current Occupant	4491		Stat Rd	206		Davie	FL	33314
Current Occupant	4491		Stat Rd	300		Davie	FL	33314
Current Occupant	4491		Stat Rd	302		Davie	FL	33314
Current Occupant	4491		Stat Rd	304		Davie	FL	33314
Current Occupant	4491		Stat Rd	306		Davie	FL	33314
Current Occupant	3821	SW	47 Ave		7	Davie	FL	33314
Current Occupant	3921	SW	47 Ave		10	Davie	FL	33314
Current Occupant	4021	SW	47 Ave		12	Davie	FL	33314
Current Occupant	4153	SW	47 Ave			Davie	FL	33314
Current Occupant	4250	SW	47 Ave			Davie	FL	33314
Current Occupant	4701		Oral Dr		13	Davie	FL	33314
Current Occupant	4701		Oral Dr		14	Davie	FL	33314
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Current Occupant	4701		Oral Dr		20	Davie	FL	33314
Current Occupant	4100	SW	47 Ave			Davie	FL	33314
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Current Occupant	4150	SW	47 Ave			Davie	FL	33314
Current Occupant	4200	SW	47 Ave			Davie	FL	33314
Current Occupant	4180	SW	47 Ave			Davie	FL	33314
Current Occupant	4720		Oak Rd			Davie	FL	33314
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Current Occupant	4370		Oake! Rd			Davie	FL	33314
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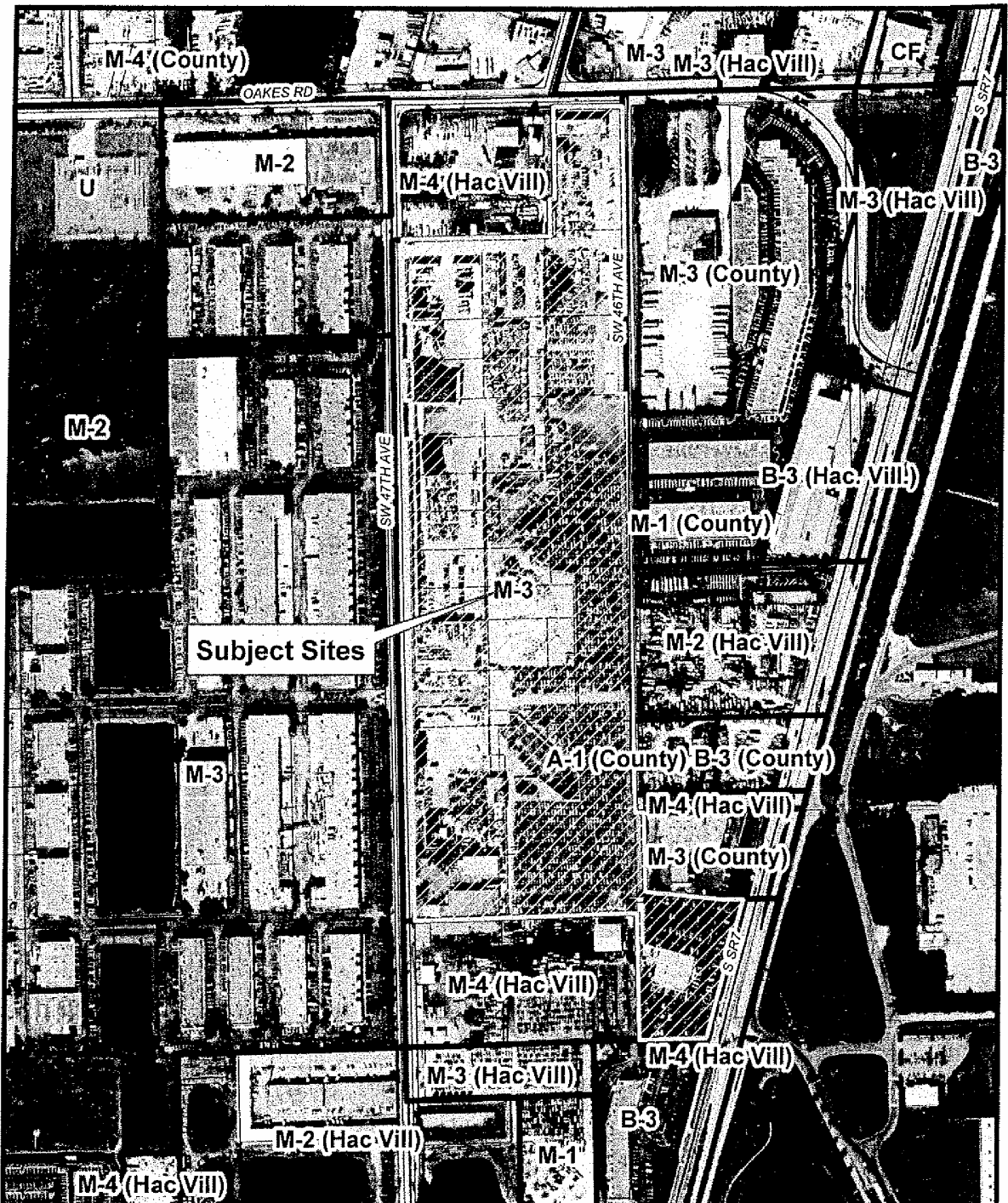


Prepared by the Town of Davie GIS Division

## Future Land Use Map

Prepared by: ID  
Date Prepared: 7/23/08





Date Flown:  
1/2/2009



0 200 400 800  
Feet

Prepared by the Town of Davie GIS Division

U-Pull-It

Prepared by: ID  
Date Prepared: 7/17/09